IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

THURSDAY, THE TWENTY FIRST DAY OF JULY
TWO THOUSAND AND FIVE

PRESENT

THE HON'BLE MR JUSTICE S.ANANDA REDDY

WRIT PETITION NO : 15394 of 2005

Between:

G. Subbanna S/o.Subbaiah
Society Cherlopalli, Sidhout Mandal, Kadapa District

..... PETITIONER

AND

1 The Primary Agriculture Cooperative Society Cherlopalli, Sidhout Mandal, Kadapa District, represented by its Person-in-charge.
2 The Divisional Cooperative Officer Rajampet, Kadapa District.

.....RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court may be pleased to issue a writ, order or direction more particularly one in the nature of writ of Mandamus declaring the action of the 1st respondent in placing the petitioner under suspension in his Rc.No.802 dt.1.8.2003 from the post of Secretary PACS, Cherlopalli, Sidhout Mandal, Kadapa District as illegal, unjust, arbitrary and dilatory and against Section 59 (1) and 31(A) (15) of A.P. Cooperative Societies Act 1964 and consequently set aside the suspension order passed by the 1st respondent in his Rc.No.802 dt.1.8.2003.

Counsel for the Petitioner: MR.L.J.VEERA REDDY

Counsel for the Respondent No.1: None appeared.

Counsel for the Respondent No.2: GP FOR COOPERATION

This Court at the admission stage made the following:

O R D E R:

This writ petition is filed by the petitioner aggrieved by the order of suspension, dated 01-08-2003, passed by the first respondent, which is a Primary Agriculture Cooperative Society.

The grievance of the petitioner is that the first respondent-Society has no power to pass an order of suspension unless there is a direction from the Registrar of the Cooperative Societies under Section 59 of the Andhra Pradesh Cooperative Societies Act, 1964. Therefore, the impugned order of suspension is illegal and unsustainable.

The learned Government Pleader, however, contends that the writ petition is directed against the Primary Agriculture Cooperative Society and that the petitioner, who is an employee of the first respondent-Society, has got an effective alternative remedy either to approach the Labour Court or the Competent Authority under the Andhra Pradesh Shops and Establishments Act, 1988. Therefore, the writ petition is not maintainable. The learned Government Pleader also placed reliance on a judgment, dated 07-02-2005, passed by a Division Bench of this Court in W.A.No.163 of 2005 in *S. Peddi Raju and others VS. The Government of Andhra Pradesh, rep. by its Secretary, Hyderabad and others,* whereby, the Division Bench of

this Court directed the petitioners therein, who sought for relief against the Society, to approach either the Industrial Tribunal or the Authority under the Andhra Pradesh Shops and Establishments Act, 1988.

Heard the learned counsel on either side and considered the material on record.

As the petitioner is seeking the relief against the Primary Agriculture Cooperative Society, which cannot be considered as an instrumentality of the State within the terms of the Article 12 of the Constitution of India, therefore, no writ is maintainable against the said Society. Further, the petitioner has got an effective alternative remedy under the provisions of the Andhra Pradesh Shops and Establishments Act, 1988 or even under the Industrial Disputes Act, 1947, to approach the Industrial Tribunal.

The writ petition is accordingly dismissed as not maintainable. No costs.

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(S. ANANDA REDDY, J)

Date:21-07-2005

ghn

To

1 The Person-in-charge, the Primary Agriculture Cooperative Society Cherlopalli, Sidhout Mandal, Kadapa District.
2 The Divisional Cooperative Officer Rajampet, Kadapa District.

3 Two CCs to the Government Pleader for Cooperation, High Court of A.P., Hyderabad. (O.U.T.)

4 Two CD copies.